

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Colvin Preston Washington,) C/A No.: 0:07-cv-2836-GRA-BM
)
 Plaintiff,)
)
 v.) ORDER
) (Written Opinion)
Sheriff James R. Metts; Major Harris; and)
Food Service Administrator,)
)
 Defendants.)
)

This matter comes before the Court for a review of the magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), and Local Rule 72.03(b)(2)(e), filed on February 12, 2008. For the reasons stated herein, this Court adopts the magistrate's Report and Recommendation.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71

(1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). The plaintiff did not file any objections.

The magistrate recommends dismissing this action for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff originally filed this suit pursuant 42 U.S.C. § 1983 on August 15, 2007. Defendants filed a motion to dismiss on December 14, 2007. On December 17, 2007, the Court issued a *Roseboro* order to the plaintiff advising him of the dismissal and summary judgment procedures and the possible consequences if he failed to respond to the defendants' motion. *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). Plaintiff did not respond to the defendants' motion. On January 10, 2008, the Court gave the *pro se* plaintiff an additional 10 days to respond to the defendants' motion. The magistrate warned the plaintiff that his case would be dismissed with prejudice for failure to prosecute if the plaintiff chose not to respond. The plaintiff did not respond.

It appears that the magistrate gave the plaintiff ample notice and opportunity to respond to the defendants' motion to dismiss; therefore, this Court adopts the

magistrate's Report and Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT THE plaintiff's action be DISMISSED with prejudice for failure to prosecute.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

April 3, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**